

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

IN RE:

CASE NO: 14-51038G

GRACIELA MARIE SALINAS

DEBTOR(S)

CHAPTER 13 PROCEEDING

**MOTION TO DEEM THE DEBTOR CURRENT WITH HER MORTGAGE PAYMENTS
OWED TO BSI FINANCIAL SERVICES**

**AN ORDER WILL BE ENTERED GRANTING THE RELIEF REQUESTED
HEREIN WITHOUT FURTHER HEARING UNLESS A WRITTEN OBJECTION
AND REQUEST FOR HEARING IS FILED WITH THE CLERK WITHIN
TWENTY-ONE (21) DAYS OF THE DATE OF ISSUANCE OF THIS NOTICE.
ANY SUCH OBJECTION MUST ALSO BE SERVED UPON THE MOVING
PARTY AND UPON ALL OTHER PERSONS INDICATED ON THE
CERTIFICATE OF SERVICE ATTACHED TO THIS PLEADING.**

TO THE RIGHT HONORABLE BANKRUPTCY JUDGE:

Comes Now, Debtor, by and through her attorney of record, Ricardo Ojeda, Jr., and files this MOTION TO DEEM THE DEBTOR CURRENT WITH HER MORTGAGE PAYMENTS OWED TO BSI FINANCIAL SERVICES, and would show as follows:

I.

This Court has jurisdiction pursuant to 28 U.S.C. § 1334. This is a "core proceeding" pursuant to 28 U.S.C. § 157(b)(2) arising in a voluntary case commenced under Title 11 U.S.C. this is a contested matter brought pursuant to L. Rule 9014 of the Federal Rules of Bankruptcy Procedure.

II.

Debtor filed a Chapter 13 Bankruptcy case on April 23, 2014. The Chapter 13 plan was confirmed on July 15, 2014. The Debtor completed her plan and is awaiting the Discharge of her case.

III.

The Debtor seeks clarity with the filing of this motion. On May 2, 2018, the Chapter 13 Trustee filed her Notice of Final Cure Mortgage Payment (docket #44). On May 21, 2018, the Debtor's mortgage company filed its Response to Notice of Final Cure Payment. In it, the Debtor's mortgage company states that the Debtor is in arrears with her post-petition mortgage payments in the amount of \$2,165.50. The Debtor believes and claims that she is current with her post-petition mortgage payments and seeks an Order from this Court stating so in order to clarify this important issue.

IV.

The Debtor files this Motion in order to obtain an Order from this Court deeming her current with her mortgage payments owed to BSI Financial Services. Additionally, Debtor wishes for the Order to specifically state that, subsequent to the Discharge issued by this Court, that BSI Financial Services may not claim that there is any pre-petition escrow shortages owed by the Debtor and that any pre-petition arrearages including pre-petition escrow shortages were paid through the Debtor's plan.

PRAYER

Wherefore, premises considered, Debtor prays the Court grant this MOTION TO DEEM THE DEBTOR CURRENT WITH HER MORTGAGE PAYMENTS OWED TO BSI FINANCIAL SERVICES and for such and further relief as is just.

Respectfully submitted,

/s/ Ricardo Ojeda Jr
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IN RE:

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**ORDER GRANTING MOTION TO DEEM THE DEBTOR CURRENT WITH HER
MORTGAGE PAYMENTS OWED TO BSI FINANCIAL SERVICES**

On this date came on to be considered Debtor's MOTION TO DEEM THE DEBTOR CURRENT WITH HER MORTGAGE PAYMENTS OWED TO BSI FINANCIAL SERVICES. Notice of the filing of said Motion was issued to all parties in interest in this proceeding. It appearing to the Court that no objection to such Motion has been filed and that the Motion has merit, the Court finds that the Motion should be approved.

It is, therefore, **ORDERED**, that the Debtor's MOTION TO DEEM THE DEBTOR CURRENT WITH HER MORTGAGE PAYMENTS OWED TO BSI FINANCIAL SERVICES is **GRANTED**. In addition to the Debtor being deemed current with her mortgage payments owed to BSI Financial Services, BSI Financial Services may not claim subsequent to the Discharge of the Debtor's case that there are any pre-petition escrow shortages owed by the

Debtor. This Court orders that any pre-petition arrearages, including pre-petition escrow shortages, were paid through the Debtor's plan.

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THIS ORDER WAS PREPARED AND SUBMITTED BY:

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Deem Current was mailed on the 14th day of August, 2018 to:

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